WHAT IS CLAIMED IS:

1. An isolated nucleic acid molecule comprising a nucleic acid selected from the group consisting of:

a) a nucleic acid having at least 70% identity to the nucleotide sequence set forth in SEQ ID NO: 5;

b) a nucleic acid having at least 80% identity to the nucleotide sequence set forth in SEQ ID NO: 5; and

c) a nucleic acid that hybridizes to SEQ ID NO:5 under highly stringent conditions.

2. A recombinant expression cassette comprising a nucleic acid of claim 1 operably linked to a heterologous nucleic acid of interest.

3. A vector comprising the recombinant expression cassette of claim 2.

4. A host cell having stably incorporated in its genome the recombinant expression cassette of claim 3.

5. The host cell of claim 4, wherein the host cell is a plant cell.

6. A plant stably transformed with the recombinant expression cassette of claim 2.

7. Transgenic seed of the plant of claim 6.

8. A method for expressing a heterologous nucleic acid in a plant, said method comprising:

a) introducing into a plant cell a vector comprising a promoter of claim 1 operably linked to the heterologous nucleic acid;

b) culturing the plant cell under plant growing conditions to produce a regenerated plant; and

c) allowing expression of the heterologous nucleic acid.

9. The method of claim 8, wherein the heterologous nucleic acid is selected from the group consisting of a nucleic acid providing resistance to insects, a nucleic acid providing resistance to disease and a nucleic acid providing herbicide resistance.

10. The method of claim 9, wherein the heterologous nucleic acid is a nucleic acid providing resistance to disease.

11. An isolated nucleic acid having at least 90% identity to the nucleotide sequence set forth in SEQ ID NO: 5.

12. An isolated nucleic acid comprising the nucleotide sequence set forth in SEQ ID NO: 5.

13. A recombinant expression cassette comprising a nucleic acid of claim 12 operably linked to a heterologous nucleic acid of interest.

14. A vector comprising the recombinant expression cassette of claim 13.

15. A host cell having stably incorporated in its genome the recombinant expression cassette of claim 13.

16. The host cell of claim 15, wherein the host cell is a plant cell.

17. A plant stably transformed with the recombinant expression cassette of claim 13.

18. Transgenic seed of the plant of claim 17.

19. A method for expressing a heterologous nucleic acid in a plant, said method comprising:

a) introducing into a plant cell or tissue a vector comprising a promoter of claim 13 operably linked to the heterologous nucleic acid;

b) culturing the plant cell or tissue under plant growing conditions to produce a regenerated plant; and

c) allowing expression of the heterologous nucleic acid.

20. The method of claim 19, wherein the heterologous nucleic acid is selected from the group consisting of a nucleic acid providing resistance to insects, a nucleic acid providing resistance to disease and a nucleic acid providing herbicide resistance.

21. The method of claim 20, wherein the heterologous nucleic acid is a nucleic acid providing resistance to disease.

22. An isolated nucleic acid capable of driving expression of a heterologous gene comprising at least 20 contiguous nucleotides of the sequence set forth in SEQ ID NO: 5.

23. The isolated nucleic acid of claim 22, wherein the nucleic acid comprises at least 50 contiguous nucleotides of the sequence set forth in SEQ ID NO: 5.

24. The isolated nucleic acid of claim 23, wherein the nucleic acid comprises at least 100 contiguous nucleotides of the sequence set forth in SEQ ID NO: 5.

25. The isolated nucleic acid of claim 24, wherein the nucleic acid comprises at least 500 contiguous nucleotides of the sequence set forth in SEQ ID NO: 5.